

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 11, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 11, 2023, at 10:00 a.m., in Council Chambers, with the following present:

| | |
|------------------------------|-----------------------------|
| Michael H. Vincent | President |
| Cynthia C. Green | Councilwoman |
| Douglas B. Hudson | Councilman |
| Mark G. Schaeffer | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore, Jr. | County Attorney |

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 331 23
Approve
Agenda**

Mr. Lawson reported that under Todd Lawson, County Administrator, Public Interview of Planning and Zoning Commission Nominee(s) and under Grant Requests, No. 5 – West Rehoboth Community Land Trust for their Low-Income Housing program can be removed. A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda as amended.

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent

**Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**DSP
Recognition**

A Proclamation was presented to members of the Delaware State Police honoring them for their 100th Anniversary.

Minutes

The minutes from June 27, 2023, were approved by consensus.

**Corre-
spondence**

There was no correspondence.

Public comments were heard.

**Public
Comments**

Ms. Michelle Williams spoke on behalf of the Sussex Housing group in reference to affordable housing.

Public

Mr. Don Miller spoke about major and minor subdivision language.

**Comments
(continued)**

Ms. Renita Harmon spoke in reference to laws about living in a RV and rental costs.

Mr. Michael Wolfe spoke about the Sussex County Comprehensive Land Use Plan.

Mr. Howard Berger spoke about safety risks when reviewing plans.

Ms. Jill Hicks spoke about the Planning and Zoning Commission eliminating telephonic comments.

**M 332 23
Approve
Consent
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to approve the following items under the Consent Agenda:

- 1. Use of Existing Sewer Infrastructure Agreement, IUA 389-3 Coastal Tide (Building 7), West Rehoboth Area**
- 2. Use of Existing Sewer Infrastructure Agreement, IUA CU2316 Southern Delaware Medical Center, LLC, West Rehoboth Area**
- 3. Use of Existing Sewer Infrastructure Agreement, IUA 1191 Black Oak (Glenwood-Halsey Knapp), West Rehoboth Area**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**General
Assembly
Review**

Mr. Lawson provided a review of the 152nd General Assembly legislative session. Mr. Lawson reviewed HB2, HB62, SB120, HB72, HB127, SB186, HB246, HB248, HB195, SB160 and HB197.

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Acadia Landing – Phase 22A (Construction Record) effective June 12th; Peninsula – Phase 11 – Still Waters – Phase 1 (Construction Record) effective June 21st; and Peninsula Lakes – Phase 13 (Construction Record) effective June 28th.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

**Adminis-
trator's
Report
(continued)**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet July 17th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the meeting agenda is attached.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Federal
Payment in
Lieu of
Taxes**

Andrea Wall, Manager of Accounting reported that a check in the amount of \$38,898.00 has been received from the United States Department of Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2022. The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose. Mrs. Wall advised that the recommendation is to allocate the funds in the same percentage as other County tax collections, as the County has done in the past.

**M 333 23
Approve
Federal
Payment in
Lieu of
Taxes**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that the Sussex County Council approve the Accounting Department's recommended distribution of the Refuge Revenue Sharing Funds, as follows: Milford School District -\$7,717.84, Cape Henlopen School District - \$24,986.19; Sussex Technical School District - \$2,663.40; Sussex County - \$3,160.05; and Sussex County Libraries - \$370.52.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**Long Neck
Communit-
ies Proposed
Ordinance**

Hans Medlarz, County Engineer presented a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,036,840 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH" for Council's consideration.

**Proposed
Ordinance
Introduction**

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,036,840 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND

AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

**Herring
Creek/CO
No. 6 & CO
No. 2**

Hans Medlarz, County Engineer presented change order no. 6 for project S20-07 and change order no. 2 for project S20-08 for Council's consideration. Mr. Medlarz reported that JJID has completed all punch list items and executed the quantity adjustment resulting in a reduction for change order no. 2. For change order no. 6, Teal Construction has agreed to assuming the remainder of the infrastructure under the project at their unit prices with a non-compensable contract extension of 210-calendar days.

**M 334 23
Approve CO
No. 6**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that final balancing change order no. 6 for contract S20-07, Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main, be approved in the credit amount of \$1,334,027.29, and that the project be closed out with any held retainage released in accordance with the contract documents, contingent upon USDA concurrence.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**M 335 23
Approve CO
No. 2**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 2 for contract S20-08, Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main, Phase III be approved increasing the contract amount by \$1,054,877.00 and the contract time be extended 210 calendar days, contingent upon USDA concurrence.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**Artesian
WW
Managemen-
t/Addendum
No. 7**

Hans Medlarz, County Engineer presented addendum no. 7 for 2016 bulk wastewater services agreement with Artesian Wastewater Management, Inc. and Artesian Water Company, Inc. for Council's consideration. Mr. Medlarz reported that the addendum will track permanent connected EDUs rather than flows.

**M 336 23
Approve
Addendum
No. 7**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments that the Sussex County Council approve Addendum 7 to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, Inc. as presented.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**Appraisal
Services
Contract**

Mark Parker, Assistant County Engineer presented appraisal services contract for Council's consideration. Mr. Parker reported that the existing contract is set to expire in August of 2023. An RFP was developed and advertised. Three proposals were received, after review, it is being recommended to negotiate a contract with W.R. McCain & Associates.

**M 337 23
Approve
Appraisal
Services
Contract**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved based upon the recommendation of the appraisal review committee, that the Sussex County Council approves the Engineering Department to negotiate a contract with W.R. McCain & Associates, to provide appraisal services as needed for a five (5) year period, effective August 1, 2023.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**Grant
Requests**

Mrs. Jennings presented grant requests for Council's consideration.

**M 338 23
West Side
New
Beginnings**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,500 (\$1,500 from Mr. Schaeffer's Councilmanic Grant Account) to West Side New Beginnings, Inc. for Safety Street Lights.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

**M 339 23
Rehoboth
Beach
Sportsplex
Group**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,500 (\$1,500 from Mr. Schaeffer's Councilmanic Grant Account) to Rehoboth Beach Sportsplex Group for upgrades to their maintenance equipment.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

M 340 23

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give

Mispiration Performance Series **\$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to Mispiration Performance Series for their presentations of Duo Sorolla and Cathedral Bass musical ensembles.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

M 341 23 AIDS Delaware Inc. **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to AIDS Delaware Inc. for their AIDS Walk Delaware program.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

M 342 23 Woodbridge Little League **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$3,000 (\$3,000 from Mrs. Green’s Councilmanic Grant Account) to Little League Baseball Inc. – Woodbridge Little League for their Build Fields program.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

M 343 23 Chamber of Commerce for Greater Milford, Inc. **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mrs. Green’s Councilmanic Grant Account) to Chamber of Commerce for Greater Milford, Inc. for their Riverwalk Freedom Festival.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

Due to Mr. Rieley’s absence, grant requests 8, 9 and 10 were deferred a week.

Proposed Ordinance Introductions Proposed **Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY,**

**Ordinance
Introduct-
ions** **CONTAINING 37.7482 ACRES MORE OR LESS filed on behalf of
Delaware Electric Coop; Troy Dickerson**

(continued) **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE
TO AMEND THE FUTURE LAND USE MAP OF THE
COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-
6.00-6.02”**

The Proposed Ordinances will be advertised for a Public Hearing.

**Council
Member
Comments** **Mr. Vincent commented that he attended the Ribbon Cutting yesterday
for the new BayHealth on Route 9.**

**M 344 23
Adjourn** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn
at 11:04 a.m.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Absent;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County’s website.}